



## *Report to the Auburn City Council*

Action Item	3
Agenda Item No.	
City Manager's Approval	

**To:** Mayor Holmes and Members of the City Council  
**From:** Andy Heath, Administrative Services Director  
**Date:** September 14, 2009  
**Subject:** Disability Retirement Application of William Zander

### *The Issue*

Is Battalion Chief William Zander medically disabled from the duties of his position such that his disability retirement application should be granted?

### *Conclusions and Recommendations*

For medical reasons that will be discussed in closed session, staff recommends the City Council determine Battalion Chief William Zander to be medically disabled from the duties of his position and inform the California Public Employees' Retirement System (PERS) of that determination for its use in determining Mr. Zander's disability retirement application.

### *Background*

The Public Employees Retirement Law (PERL) authorizes City employees to apply to PERS for a disability retirement if they are disabled from performing the essential duties of their position with the City. When PERS receives such an application from a public safety employee (i.e., police and fire employees), it is required to forward the application to the City Council with a request that the Council determine whether or not the employee is, in fact, disabled. That determination is then forwarded to PERS which then grants or denies the application. If the City finds an employee not to be disabled, the employee is entitled to a full evidentiary hearing on that determination by an Administrative Law Judge. The evidence on which the Council's decision must be based is medical information submitted by the applicant and other information in his or her personnel file. Due to employee's privacy rights in that information, it cannot be publicly disclosed and, instead, the evidence is shared with the Council in closed session.

Staff will present that information in closed session on September 14<sup>th</sup> and explain the basis of its recommendation that the Council adopt the attached resolution finding Battalion Chief Zander to be disabled.

**Fiscal Impact**

If the City Council determines Battalion Chief Zander to be disabled, PERS will grant his disability pension. The City will ultimately cover the actuarial cost of those retirement benefits via contributions to PERS. The precise amount of additional contributions required to do so will turn on the returns PERS receives on the funds it is investing on the City's behalf (i.e., previous City contributions to PERS) and the City's experience with the retirements, both regular and disability, or other City employees. The City's current contributions do include a portion for the actuarial costs of disability retirements based on the actuarial history of the pool of employers in which PERS includes the City for ratings purposes.

**Summary Recommendation:**

Waive full reading and adopt the attached resolution.

c: Bob Richardson, City Manager  
Mark D'Ambrogi, Fire Chief  
Michael G. Colantuono, City Attorney

Attachment: proposed resolution

1 RESOLUTION NO. 2009-\_\_\_\_\_

2 RESOLUTION DETERMINING A SAFETY EMPLOYEE TO BE DISABLED  
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6 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

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8 Section 1. Pursuant to Government Code Section 21154, the California  
9 Public Employees' Retirement System (PERS) has asked this Council to  
10 determine whether Battalion Chief William Zander is incapacitated to perform  
11 duties within the meaning of the Public Employee Retirement Law.

12 Section 2. Having reviewed in closed session the medical information  
13 and other information regarding the application included in the personnel  
14 records of the City, the City Council hereby finds and determines pursuant to  
15 Government Code Section 21157 that William Zander, a local safety  
16 employee, is incapacitated to perform duties as a Battalion Chief in the  
17 Auburn Fire Department and is disabled for the purposes of disability  
18 retirement pursuant to the Public Employee Retirement Law.

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20 DATED: \_\_\_\_\_, 2009

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22 \_\_\_\_\_  
J. M. Holmes, Mayor

23 ATTEST:

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25 \_\_\_\_\_  
26 Joseph G. R. Labrie, City Clerk

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28 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
that the foregoing resolution was duly passed at a regular meeting of the

1 City Council of the City of Auburn held on the 14<sup>th</sup> day of September 2009  
2 by the following vote on roll call:

3 Ayes:

4 Noes:

5 Absent:

6 Joseph G. R. Labrie, City Clerk

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